

Please amend the present application as follows:

In the Claims

Please substitute the following clean copy text for the pending claims of the same number.

1. (Twice amended) A camera, comprising:

a memory for storing at least one camera setting in association with a particular user;

a physical attribute sensor for recognizing a unique physical attribute of the user to identifying the user from the uniqueness of the physical attribute; and

a processor for controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified.
- 2 (Cancelled)
3. (Cancelled)
4. (Once amended) The camera recited in claim 1 wherein said physical attribute sensor comprises at least one of a fingerprint sensor and a retinal scanner.
5. (Original) The camera recited in claim 1 wherein the setting is an exposure mode setting selected from the group consisting of aperture-preferred, shutter speed-preferred, and automatic exposure settings.

6. (Twice amended) A camera, comprising:
means for ~~identifying~~ recognizing a unique physical attribute of a user of the camera to identify the user from the uniqueness of the physical attribute; and
means for automatically controlling the camera according to stored photographic control settings associated with an identified user.

7. (Original) The camera recited in claim 6, wherein the means for automatically controlling the camera comprises means for setting a mode of operation selected from the group consisting of an exposure mode, a flash mode, and a shutter control mode of operation.

8. (Once amended) The camera recited in claim 6, wherein said means for identifying a physical attribute of a user comprises at least one of a fingerprint sensor and a retinal scanner.

9. (Twice amended) A computer readable medium for use with a camera, comprising:

logic for ~~identifying~~ recognizing a unique physical attribute of a user of the camera to identify the user from the uniqueness of the physical attribute; and
logic for controlling the camera according to stored photographic control settings associated with an identified user.

10. (Original) The computer readable medium recited in claim 10, wherein the logic for controlling the camera includes logic for setting a mode of operation selected from the group consisting of an exposure mode, a flash mode, and a shutter control mode of operation.

11. (Once amended) The computer readable medium recited in claim 9, wherein the logic for identifying a physical attribute of a user of the camera includes logic for receiving input from at least one of a fingerprint sensor and a retinal scanner.

12. (Twice amended) A method of operation for a camera, comprising:
~~receiving identifying~~ a user ~~identification obtained from the uniqueness of a~~
user physical attribute by ~~sensing~~ recognizing a unique physical attribute of the user;
and
controlling the camera according stored photographic control settings
associated with that user.

13. (Original) The method recited in claim 12, wherein the controlling step comprises automatically setting a mode of operation selected from the group consisting of an exposure mode, a flash mode, and a shutter control mode of operation.

14. (Once amended) The method recited in claim 14, wherein said receiving step includes receiving a signal from at least one of a fingerprint sensor and a retinal scanner.

15. (Previously added) A camera, comprising:
a memory for storing at least one image data processing setting in association with a particular user;
a user identification sensor for identifying the user; and
a processor for controlling the camera according to said at least one image data processing setting in response to a signal from the sensor that indicates that the user has been identified.

16. (Previously added) The camera recited in claim 15, wherein said user identification sensor comprises a physical attribute sensor.

17. (Previously added) The camera recited in claim 16, wherein said user identification sensor comprises a fingerprint sensor.

18. (Previously added) The camera recited in claim 16, wherein said user identification sensor comprises a retina scanner.

19. (Previously added) The camera recited in claim 15, wherein the at least one data processing setting comprises at least one of a date imprinting setting and a compressed format setting.

REMARKS

This is a full and timely response to the outstanding final Office Action mailed June 2, 2003. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(b)

A. Statement of the Rejection

Claims 1, 6, 9, and 12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by McIntyre et al. ("McIntyre," U.S. Pat. No. 5,715,487).

The rejection alleges that McIntyre discloses Applicant's invention as recited in claims 1, 6, 9, and 12. Applicant respectfully traverses these rejections.

B. Applicant's Claimed Inventions

Applicant's claims describe cameras, logic for use with a camera, and methods of camera operation. Each of Applicant's claims 1, 6, 9, and 12 concern a camera identifying a physical attribute of a camera user and, as a result of the identification, controlling the camera according to at least one *camera setting* that has been stored in association with that user. For example, as provided in independent claim 1, Applicant claims:

1. A camera, comprising:
 - a memory for *storing at least one camera setting in association with a particular user*;
 - a physical attribute sensor for recognizing a unique physical attribute of the user to identify the user from the uniqueness of the physical attribute; and

a processor for *controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified.*

Applicant's claim 1 (emphasis added).

C. The McIntyre Reference

McIntyre discloses a camera that can only be used (“accessed”) by first entering a correct password. In particular, McIntyre uses a two-tiered password scheme in which a first password enables the user to operate the camera and a second password enables the user to remove a film cartridge from the camera and duplicate images. McIntyre, col. 8, lines 14-24. The password is received by the camera either through a voice-recognition chip (21) or a keypad (22).

Nowhere does McIntyre describe receiving or storing camera settings in association with a particular user, or controlling the camera according to those settings when that user is later identified.

D. Discussion of the Rejection

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration.” W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

Contrary to the Examiner's contention that McIntyre “clearly anticipates” Applicant's claims 1, 6, 9, and 12, it is readily apparent that McIntyre fails to disclose

each element of claims 1, 6, 9, and 12, as is required by 35 U.S.C. § 102(b). As noted above, McIntyre *fails* to describe (i) receiving or storing camera settings in association with a particular user, or (ii) controlling the camera according to those settings when that user is later identified. Accordingly, McIntyre cannot anticipate “a memory for storing at least one camera setting in association with a particular user” or “a processor for controlling the camera according to said stored at least one camera setting in response to a signal from the sensor that indicates that the user has been identified” as is required by claim 1.

In regard to independent claim 6, McIntyre similarly cannot anticipate “means for automatically controlling the camera according to stored photographic control settings associated with an identified user” as is required by claim 6.

With reference to independent claim 9, McIntyre also cannot anticipate “logic for controlling the camera according to stored photographic control settings associated with an identified user” as is required by claim 9.

Finally, regarding independent claim 12, McIntyre further cannot anticipate “identifying a user from the uniqueness of a user physical attribute by recognizing a unique physical attribute of the user” or “controlling the camera according stored photographic control settings associated with that user” as is required by claim 12.

To account for McIntyre’s shortcomings, the Office Action notes that McIntyre’s camera “stores trained patterns of the same word along with a privilege definition table which tracks recognized authorized user and their privilege levels.” However, as expressed in the foregoing, the “storage” discussed here is not storage of control settings for the camera, but storage of identification information regarding various potential camera users. As described by McIntyre, that information is used to determine whether the user can access the camera (*i.e.* use the camera at all) or remove a film cartridge, *not*

to determine what camera settings are to be implemented for an identified user. Again, *nowhere* does McIntyre describe storing particular camera settings with a given user, or implementing those settings when that user is identified.

The Office Action also argues that the “privilege levels” “clearly are settings that control the camera’s function.” McIntyre, however, never states this. Instead, McIntyre discusses the problem of whether a user can or cannot use a camera and whether that user can or cannot remove the film cartridge. Those are the only “privileges” McIntyre discusses. Because McIntyre is silent as to camera settings, McIntyre, by definition, fails to anticipate each element of Applicant’s claims under 35 U.S.C. § 102(b).

As a further point, Applicant notes that independent claims 1, 6, 9, and 12 have been amended to emphasize that Applicant’s camera *recognizes* a unique physical attribute of the user. As described in detail below in the discussion of the rejection of claims 1, 5-7, 9, 10, 12, and 13, McIntyre clearly fails to disclose, teach, or suggest such recognition.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1, 5-7, 9, 10, 12, and 13

1. Statement of the Rejection

Claims 1, 5-7, 9, 10, 12, and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (“Suzuki,” U.S. Pat. No. 5,416,556) in view of McIntyre.

The rejection alleges that Suzuki discloses Applicant’s invention substantially as claimed with the exception of a physical attribute sensor. The rejection concludes however that, in view of the McIntyre disclosure, it would have been obvious to a person having ordinary skill in the art to provide Suzuki’s camera with such a sensor. Applicant respectfully traverses this rejection.

2. The Suzuki Reference

Suzuki discloses a custom mode control apparatus for use in a camera. The control apparatus may be used to select various settings (“contents”) to be stored (“memorized”) in association with a given user. The camera includes a dial (35) and a button (38) that are used to enter a personal code that identifies the user to the camera, so as to cause the various camera settings stored in association with that user to be implemented.

In contrast to Applicant’s claimed invention, Suzuki does not disclose, teach, or suggest a sensor that is capable of recognizing physical attributes of the user.

3. Discussion of the Rejection

As acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, to make a proper case for obviousness, there must be some prior art teaching or established knowledge that would suggest to a person having ordinary skill in the pertinent art to fill the voids apparent in the applied reference.

The Office Action replaces its previous argument that it would have been to substitute physical attribute detection for “the keyboard input” of Suzuki “in order to provide a more secure device” to an argument that, because McIntyre teaches speech recognition as a means to input a password, it would have been obvious to identify a user from a “physical attribute” (*e.g.*, using a physical attribute sensor). What the Office Action fails to appreciate, however, is that, in Applicant’s claimed invention, the user is identified from the unique characteristics of his or her particular physical attribute. Contrary to the McIntyre camera, Applicant’s invention does not merely use speech recognition as a way to enter a password such as a personal identification number (PIN). Instead, Applicant’s invention actually recognizes *that user’s* physical attribute.

To clarify the above-noted distinction, Applicant has amended independent claims 1, 6, 9, and 12 to emphasize recognition of the user’s unique physical attribute as a way to identify the user. For instance, independent claim 1 now requires “a physical attribute sensor *for recognizing a unique physical attribute of the user to identify the user from the uniqueness of the physical attribute*” (emphasis added). It is clear that neither Suzuki nor McIntyre teach this. Similar recitations are contained in

independent claims 6, 9, and 12. Applicant further notes that these amendments do not raise new issues of patentability in that other claims in the application previously identified recognition of unique user physical attributes (*e.g.*, claims 4, 8, 11, and 14). Therefore, Applicant respectfully submits that the claim amendments should be entered.

Applicant further submits that it would not have been obvious, as suggested in the Office Action, to add such physical attribute recognition to the Suzuki device for purposes of “providing a more secure device” in that, as noted in the previous Response, *nowhere* does Suzuki identify security as a concern. In view of this fact, a person having ordinary skill in the art simply would not be motivated to provide the Suzuki camera with a high-security sensor such as a physical attribute sensor. The only motivation for such a modification comes from Applicant’s own specification. Applicant respectfully submits that reference back to Applicant’s own disclosure for purposes of identifying motivation to combine prior art references constitutes improper hindsight.

B. Rejection of Claims 1 and 4-14

1. Statement of the Rejection

Claims 1 and 4-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Udom (U.S. Pat. App. Serial No. 09/917,013).

The rejection alleges that Suzuki discloses Applicant’s invention substantially as claimed with the exception of a physical attribute sensor. The rejection concludes however that, in view of the Udom disclosure, it would have been obvious to a person having ordinary skill in the art to provide Suzuki’s camera with such a sensor. Applicant respectfully traverses this rejection.

2. Discussion of the Rejection

Irrespective of whether or not Udom provides a proper motivation to add a physical attribute sensor to the Suzuki device, the rejection is improper in that Udom is not a proper prior art reference as to Applicant's claims. Applicant first notes that the Udom patent application was published on January 30, 2003, well after Applicant's filing date. Accordingly, Udom does not qualify as prior art under 35 U.S.C. § 102(a) or (b). Although the filing date of the Udom patent application precedes Applicant's filing date, the Udom patent application is not "by another" under 35 U.S.C. § 102(e) because the subject matter of the Udom patent application and Applicant's claimed inventions were owned by the same legal "person" (*i.e.*, the Hewlett-Packard Company) or, at minimum, were subject to an obligation of assignment to the same legal person when the inventions were made (see the "Correspondence" section of the Udom patent application). In such a case, the cited reference may not be used against the Applicant's claims under 35 U.S.C. § 103. See 35 U.S.C. § 103(c) ("Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.").

In view of the above, Applicant respectfully submits that the rejection is improper and requests that the rejection be withdrawn.

C. Rejection of Claims 15-19

1. Statement of the Rejection

Claims 15-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Udom, in further view of alleged “acknowledged prior art digital camera set forth in the background.” Applicant respectfully traverses this rejection.

2. Discussion of the Rejection

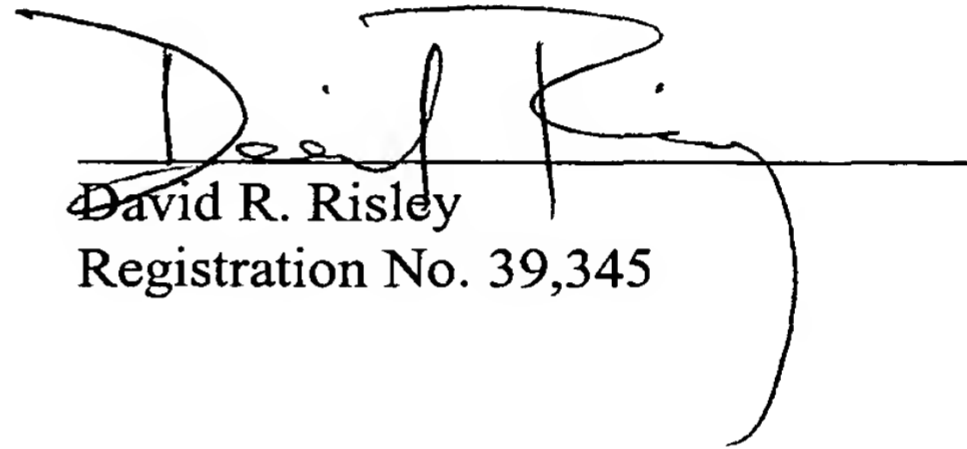
As noted above in the discussion of the rejection of claims 1 and 4-14, Udom is not properly citable against Applicant’s claims. Accordingly, the rejection is improper.

As a further point, with regard to the alleged “acknowledged prior art,” Applicant does identify camera settings in the Background section of the patent application. However, Applicant clearly does not identify associating camera settings to a user in the Background section. To the contrary, Applicant instead only identifies the “problem of settings management.” Applicant’s specification, page 1, line 20. Accordingly, contrary to that alleged in the Office Action, Applicant does *not* provide a teaching or suggestion in the Background section for storing camera settings in relation to a user, recognizing that user, or implementing the stored camera settings for the recognized user.

CONCLUSION

Applicant respectfully submits that pending claims 1 and 4-19 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, VA, on

August 2, 2003
Mary Muegan
Signature